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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,138	10/30/2003	Edmund Burke	TI-35260	9761
23494	7590	12/15/2005	EXAMINER	
TEXAS INSTRUMENTS INCORPORATED			EVERHART, CARIDAD	
P O BOX 655474, M/S 3999			ART UNIT	
DALLAS, TX 75265			PAPER NUMBER	
			2891	

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/697,138	Applicant(s) BURKE ET AL.	
	Examiner Caridad M. Everhart	Art Unit 2891	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 9, 11-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 11-15 recites the limitation "said second copper interconnect line" in the bottom two lines of claim 9. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Gambino et al (US 6,429,474B1).

Gambino et al discloses forming a top metal level which has first and second interconnect lines (Fig. 6B shows contacts). Forming and patterning a metal layer to form bottom electrode and interconnect(Fig. 6C), in which the interconnect forms a cap

Art Unit: 2891

or cladding to the interconnect on which it is formed. Forming a capacitor dielectric which may be tantalum oxide(parağraf 7, lines 12-18), and a top capacitor electrode(col. 20-28). The upper capacitor electrode may have a multilayer structure(col. 10, lines 48-53), and the upper electrode may have a protective overcoat and a cap which electrically connects. The layer may comprise TaN, as TaSiN is disclosed, which does comprise TaN. TiN is also disclosed. Silicon nitride is also disclosed as well as tantalum oxide for the capacitor dielectric(col. 7, lines 10-18). Al and copper are disclosed as interconnect material(col. 10, lines 48-54).

Allowable Subject Matter

Claims 9 and 11-15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Reasons for Allowance

Applicant's arguments and amendment have overcome the prior art of record with respect to claims 9 and 11-15. The prior art of record does not teach all of the limitations of claims 9 and 11-15.

Gambino et al (US 6,429,474B1) does not teach the "connecting a top electrode of said decoupling capacitor to said second copper interconnect line".

The prior art of record not relied upon is considered relevant to applicant's disclosure.

Kumar (US 5,120,572) discloses providing a semiconductor substrate, as Kumar discloses silicon substrate(col. 2,lines 59-62), a top level metallization is provided(col. 4,lines 26-33), and depositing a conductive layer on the metallization layer (col. 4,lines 34-40), and simulataneously providing a cladding layer on the metallization and the bottom electrode of a capacitor(col. 4, lines 38-43). A capacitor dielectric and and a top capacitor electrode are then provided(col. 5,lines 1-10). A protective coat is provided on the top capacitor electrode(col. 5, lines 5-8), as the top layer of the trilayer is a protective coat. The capacitor dielectric is a tantalum oxynitride(col. 5,lines 1-4). Kumar patterns both the top level metallization layer and the cap layer rather than providing "a first and second metal interconnect line". Kumar does not provide an aluminum cap.

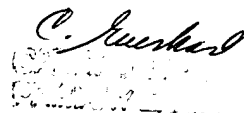
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Caridad M. Everhart whose telephone number is 571-272-1892. The examiner can normally be reached on Monday through Fridays 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, B. Baumeister can be reached on 571-272-1722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Art Unit: 2891

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in cursive script, appearing to read "C. Everhart", is positioned above a rectangular stamp. The stamp contains the text "RECEIVED" and "NOV 10 2005" in a grid-like format.

C. Everhart  
12-10-2005